



# UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/033,576      | 11/09/2001  | Robert J. Greenberg  | S100-DIV3           | 8383             |

28284 7590 05/04/2004

SECOND SIGHT, LLC  
12744 SAN FERNANDO ROAD  
BUILDING #3  
SYLMAR, CA 91342

EXAMINER

OROPEZA, FRANCES P

ART UNIT PAPER NUMBER

3762

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Abandonment**

Application No.

10/033,576

Examiner

Frances P. Oropeza

Applicant(s)

GREENBERG ET AL.

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 10/10/04.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

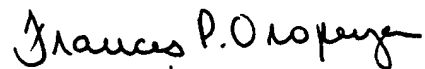
A call was placed to the Applicant's Agent, Mr. Scott B. Dunbar, on 4/27/04 to check the status of this case. Mr. Dunbar stated the case had inadvertently been abandoned and requested the 10/10/04 action be faxed. The fax was sent 4/30/04 as noted in the attachment. The Applicant intends to petition to revive the case.



ANGELA D. SYKES

SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 3700



Art Unit 3762 4/30/04

Petitions to revive under 37 CFR 1.181(a) and requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

FACSIMILE COVER SHEET

Our Reference: 10/033,576  
Your Reference: S100-DIV3

Date: 4/30/04  
To: Scott B. Dunbar (818) 833-5055  
Firm: Second Sight, LLC  
Telephone Facsimile Number: (818) 833-5080

Total pages including cover: 10

From: Frances P. Oropeza  
U.S. Patent and Trademark Office  
Telephone: 703-605-4355  
Facsimile: 703-306-4520

Message:

Dear Mr. Dunbar,

As requested please find attached a copy of the Restriction Requirement,  
Paper No. 5.

Sincerely yours,  
Fran Oropeza



Paper No. 4/30/04

Paper No. 6

Fro



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